



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/047,471	01/14/2002	George Triantopoulos	577-521	1043

7590 08/10/2007  
Salvatore J. Abbruzzese, Esq.  
HOFFMANN & BARON, LLP  
6900 Jericho Turnpike  
Syosset, NY 11791

EXAMINER
----------

PRASAD, CHANDRIKA

ART UNIT	PAPER NUMBER
----------	--------------

2839

MAIL DATE	DELIVERY MODE
-----------	---------------

08/10/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Notification of Non-Compliant Appeal Brief  
(37 CFR 41.37)**

Application No.

10/047,471

Applicant(s)

TRIANTOPOULOS ET AL.

Examiner

Chandrika Prasad

Art Unit

2839

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

The Appeal Brief filed on 24 November 2003 is defective for failure to comply with one or more provisions of 37 CFR 41.37.

To avoid dismissal of the appeal, applicant must file an amended brief or other appropriate correction (see MPEP 1205.03) within **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer.

**EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136.**

1. ☐ The brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order.
2. ☐ The brief does not contain a statement of the status of all claims, (e.g., rejected, allowed, withdrawn, objected to, canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 41.37(c)(1)(iv)).
4. ☒ (a) The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)).
5. ☐ The brief does not contain a concise statement of each ground of rejection presented for review (37 CFR 41.37(c)(1)(vi)).
6. ☐ The brief does not present an argument under a separate heading for each ground of rejection on appeal (37 CFR 41.37(c)(1)(vii)).
7. ☐ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(viii)).
8. ☐ The brief does not contain copies of the evidence submitted under 37 CFR 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner **and relied upon by appellant in the appeal**, along with a statement setting forth where in the record that evidence was entered by the examiner, as an appendix thereto (37 CFR 41.37(c)(1)(ix)).
9. ☐ The brief does not contain copies of the decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences section of the brief as an appendix thereto (37 CFR 41.37(c)(1)(x)).
10. ☐ Other (including any explanation in support of the above items):  
  
\_\_\_\_\_



Chandrika Prasad  
Examiner  
Art Unit: 2839

***Response to Appeal Brief and Reply Briefs***

1. The Appeal Brief filed November 24, 2003 is not in compliance with 37 CFR 1.192 {c}{5} because it does not provide a concise explanation of the invention defined in the claims involved in the appeal, which refers to the specification by page and line numbers, and to the drawings, if any, by reference characters.
2. An amended brief must be filed within a month or 30 days whichever is longer from the mailing date of this office action. Failure to timely respond to the Office's requirement will result in dismissal of the appeal (MPEP 1205.03(B) (rev. 3 August 2005) and 711.02(b).
3. An entire new brief need not, and should not be filed. Rather, a paper providing a summary of the claimed subject matter as required will suffice.
4. The receipt of Information Disclosure Statement (IDS) dated May 29, 2007 is acknowledged. The IDS has been placed in the file as requested but has not been considered because it lacks a statement as specified in 37 CFR 1.97(e) and the fee set forth in 37 CFR 1.17(p). See PTO-90c being mailed separately.
5. The reply Brief Noted dated June 28, 2005 is vacated.
6. A revised Reply Brief Noted properly acknowledging and responding to the Reply Brief mailed March 31, 2004 is being mailed separately.

***Contact Information***


7. Any correspondence to this action may be mailed to:

**Commissioner for Patents  
Post Office Box 1450  
Alexandria, VA 22313-1450**

Art Unit: 2839

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chandrika Prasad whose telephone number is (571) 272-2099.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor can be reached at (571) 272-2800 ext 39. The fax number is 571-273-8300.



Chandrika Prasad  
Primary examiner  
August 03, 2007